

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

SCOTT LINTZENICH)	
)	
Plaintiff,)	
)	Case No. 4 : 14 - cv - 01470
vs.)	Division No.
)	
GC SERVICES LIMITED PARTNERSHIP)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

SCOTT LINTZENICH (“Plaintiff”), by his attorneys, alleges the following against the GC SERVICES LIMITED PARTNERSHIP (“Defendant”):

INTRODUCTION

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the State of Missouri thereby establishing personal jurisdiction.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Festus, Jefferson County, Missouri.

6. Plaintiff is obligated or allegedly obligated to pay a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Plaintiff is a consumer as defined by 15 U.S.C. § 1692a(3).

8. Defendant is a business entity with an office located at 6330 Gulfton St., Houston, Texas 77081.

9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Texas Finance Code § 392.001(6).

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant has been assigned an account from a third party to collect monies from Plaintiff which is believed to be owed and past due (“debt”) to American Express and Citibank.

12. The alleged debt arises from transactions which were for personal, family and household purposes.

13. In connection with its attempts to collect the alleged debt, Defendant started sending written correspondence (“collection letters”) to Plaintiff and placing telephone calls (“collection calls”) to Plaintiff at telephone number (636) 543-06xx in April 2014.

14. Plaintiff has an answering system which allows callers to record a message for him if Plaintiff doesn’t answer a call.

15. Defendant placed a collection call to Plaintiff which he was not able to answer, and Defendant recorded a message for him.

16. Defendant’s voicemail for Plaintiff stated:

Hi, Scott Lintzenich, this is Michelle Gardner, please give me a call back at 1-800-285-3417, I’m at extension 24.
Thank you.

17. The message that Defendant recorded for Plaintiff did not identify that it was GC

Services calling him and asking for a return call.

18. Also, the message failed to inform Plaintiff that Defendant, or its employee, was a debt collector.

19. Defendant's voicemail withheld the true nature of its call, to collect a debt, in order to deceive Plaintiff into calling Defendant and obtain payments directly.

20. Defendant used deceptive representations in connection with its attempts to collect the alleged debt not identifying who it was, that the purpose of its phone call(s) and message(s) were about a debt that it was trying to collect, and by not disclosing that it is a debt collector in its message(s) to Plaintiff.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

21. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff;
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls to Plaintiff without providing meaningful disclosure of Defendant's identity;
- c. Defendant violated §1692e(10) of the FDCPA by using deceptive means to attempt to collect a debt;
- d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its message that it was a debt collector.

WHEREFORE, Plaintiff, SCOTT LINTZENICH, respectfully requests judgment be entered against Defendant, GC SERVICES LIMITED PARTNERSHIP, for the following:

22. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

24. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Raymond E. Probst, Jr.
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